## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANDREW L. SISSON,	)	
Plaintiff,	)	
	)	
<b>v.</b>	)	Cause No. 05-CV-491-WDS
	)	
HARLEY LAPPIN, RANDY J. DAVIS,	)	
R. RAU, and D. E. ALLEN,	)	
	)	
Defendants.		

## ORDER

## STIEHL, District Judge:

This matter is before the Court on a Report and Recommendation of United States Magistrate Judge Philip M. Frazier that defendants' motion to dismiss (Doc. 49) be granted and that plaintiff's complaint be dismissed. To date, no objections have been filed to the Report and Recommendation.

Accordingly, the Court **ADOPTS** the recommendation of the magistrate judge and **GRANTS** defendants Harley G. Lappin, Randy J. Davis, R. Rau, and D.E. Allen's motion to dismiss (Doc. 49). Plaintiff's claims against all defendants are **DISMISSED** for failure to state a claim upon which relief can be granted, Fed. R. Civ. P. 12(b)(6) and plaintiff's complaint is **DISMISSED** in its entirety without prejudice.

The plaintiff's motion to compel (Doc. 47) is **DENIED** as moot.

The Clerk of the Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 4, 2008

s/WILLIAM D. STIEHL

District Judge